

Applicant: W. Wilhour
Application No.: 10/670,967
Examiner: Y. Horton

Remarks

Claims 1-20 are presented for the Examiner's review and consideration. Claims 1, 2, and 11 have been amended. Applicant believes the claim amendments and the accompanying remarks herein serve to clarify the present invention and are independent of patentability. No new matter has been added.

Allowed Claims

Applicant acknowledges with appreciation the indication that claims 12-20 are allowable.

Drawing Objections

The drawings were objected to as failing to comply with 37 CFR 1.21(d) because references character "10" has been used to designate both "sidewalls" and "support posts."

Applicant notes that in paragraph [0033] the high and low sidewalls were inadvertently identified as 10, 20. Applicant has amended paragraph [0033] to correctly identify the high and low sidewalls as 18, 20. The identifier 10 is correctly used to identify the support posts.

In light of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the drawing objections.

35 U.S.C. §112 Objection

Claim 11 was objected to because "then" in line 2 should be "than." Accordingly, Applicant has amended the claim in accordance with the Examiner's instruction.

In light of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the Section 112 objection.

35 U.S.C. §102 Rejection

Claims 1, 3, and 4 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,577,444 to Sanderson ("Sanderson"). For the reasons set forth below, Applicant

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respectfully submits that this rejection should be withdrawn.

Sanderson relates generally to an improved wall covering and, specifically, to a wall structure for supporting both inner and outer decorative panels to provide a versatile system for interior design. (Col. 1, lns. 5-9). The invention includes a frame which can be attached to a wall or which can form an integral part of a wall. (Col. 1, lns. 50-52). Side frame sections 12, a lower border member 14 and an upper border member 16 are immovably connected to a wall to define the perimeter of a frame 18. (Col. 2, lns. 39-42). Each side frame section 12 comprises an elongate member positioned between the upper and lower border members which can extend along the width of the wall. (Col. 2, lns. 42-45). A pair of inner decorative panels 20 are mounted in the frame 18 by a first mounting means comprising at least two lower support brackets 24 connected to the lower border member 14 and at least two upper support brackets 26 connected to the upper border member 16. (Col. 2, lns. 54-58). Two frames can be connected back-to-back such that each frame supports the other. (Col. 2, lns. 50-51).

As such, Sanderson discloses a decorative wall covering attached to a wall. The decorative wall covering includes a frame having a pair of side frame sections, and an upper and lower border member mounted perpendicular to the side frame sections. Decorative panels are mounted within the frame. Sanderson fails to disclose a post-framing system including laminated vertical support posting having upper, lower, and middle vertical plies.

In contrast, the present invention relates to a building construction system, and more particularly to a post-framed building construction system. (§[0001]). The present invention provides a prefabricated post and wall system for building constructions. (§[0032]). The support posts 10 of the present invention are laminated posts, including at least three ply-members, assembled by combining, a lower ply member 12, an upper ply member 14, and at least one middle ply member 16. (Id.) The ply members 12, 14, 16 are assembled by attaching the lower and upper ply members 12, 14 to the middle ply member 16, wherein the middle ply member 16 is interposed between the lower and upper ply members 12, 14. (Id.) The support posts are cut such that the lower ply members are formed facing each other on alternating pairs of adjacent support posts and the upper ply members are formed facing each other on alternating pairs of adjacent support posts. (§[0011]).

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Referring to FIGS. 2-4, the sidewall sections include a high wall section 18 and a low wall section 20, wherein the height of the sidewall sections 18, 20 is dependent on eave height of the building. ([0033]). The high and low sidewall sections 18, 20 are attachable to adjacent support posts 10 setup, for example, on eight foot centers. (Id.) The high and low sidewall sections 18, 20 each include a pair of vertical side jamb members 22, 24 (respectively) with a plurality of horizontal studs 26 affixed to and interposed between the pair of side jamb members 22, 24. (Id.) The lower ends of the high sidewall section jamb members 22 are shorter than the lower ends of the low sidewall section jamb members 24 to ensure that there is no alignments of joints when the high and low sidewall sections 22, 24 are attached to the support posts 10. (Id.) Referring to FIG. 17, the high and low sidewall sections 18, 20 or 40, 42 are positioned between and attached to the support posts 10. ([0042]). The high sidewall sections 18, 40 are set on the upper ply member 62 and the low sidewall sections 20, 42 are set on the lower ply member 12. ([0042]). After assembly of the frame of the building, the outside siding, roof and purling are attached to the building frame. ([0013]).

As such, the present invention discloses a building construction system. The construction system includes vertical laminated support posts each having upper, lower, and middle plies. The upper and lower plies are vertically attached to the middle ply, where the middle ply is interposed between the upper and lower plies. The support posts are alternately positioned such that the lower ply members are formed facing each other on alternating pairs of adjacent support posts and the upper ply members are formed facing each other on alternating pairs of adjacent support posts. Sidewalls are mounted between support posts, where high sidewalls are set on the upper plies and lower sidewalls are set on lower plies. The system forms the support framing of a building, on which the outside siding, roof, and purling are attached. This is in contrast to Sanderson which only discloses a decorative wall covering.

Independent claim 1 recites, *inter alia*, a post-framing system for building construction. The post-framing system includes a plurality of laminated vertical support posts each including a plurality of vertical ply member. The plurality of vertical ply members include an upper ply member, a lower ply member, and at least one middle ply member attached to and interposed between the upper ply and the lower ply members. The plurality of support posts are positioned

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to define a perimeter of a building, such that the lower ply members of alternating pairs of adjacent support posts face each other. A plurality of low wall sections are attached to the lower ply members of alternating pairs of adjacent support posts; and a plurality of high wall section are attached to the upper ply members of alternating pairs of adjacent support posts.

In light of the foregoing, independent claim 1 is respectfully submitted to be patentable over Sanderson. As claims 3 and 4 depend from claim 1 these dependent claims necessarily include all the elements of their base claim. Accordingly, Applicant respectfully submits that the dependent claims are allowable over Sanderson at least for the same reasons.

35 U.S.C. §103 Rejection

Claims 5-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sanderson in view of U.S. Patent No. 6,427,407 to Wilson ("Wilson"). Claims 5-11 depend from claim 1. As noted above claim 1 is patentable over Sanderson. The inclusion of Wilson fails to overcome the deficiencies in Sanderson. Accordingly, Applicant respectfully submits that the dependent claims are allowable at least for the same reasons.

Allowable Subject Matter

The Examiner indicated that claim 2 would be allowable if rewritten in independent form. Applicant has rewritten claim 2 as required by the Examiner and respectfully submits claim 2 is now in condition for allowance.

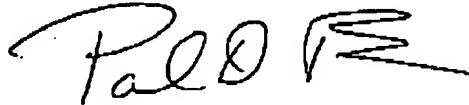
Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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No fee is believed to be due. However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 7984-A03-003).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul D. Bianco", with a stylized flourish at the end.

Paul D. Bianco, Reg. # 43,500

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